

(d) ~~considering~~ assessing impact of government or regulatory approval and audit provisions on scheduling reservoir optimization activities.

### **REMARKS**

Claims 1-42 are pending in the application. Claim 42 stands rejected. Claims 1-41 have been deemed allowable.

Claim 42 has been amended in this Response. No claims have been added. No new matter has been added. Applicant respectfully requests reconsideration of the pending claims in light of these amendments and the following remarks.

#### **I. The §112 Rejection**

Claim 42 stands as rejected under 35 U.S.C. § 112 as being unpatentable for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the term "considering" in steps a-d is said to be vague and indefinite.

Claim 42 has been amended to read:

42. [Currently amended] A method of determining a set of environmental considerations adapted for use in connection with an integrated reservoir optimization method, comprising the steps of:  
(a) review special emergency response plans and provisions required by a set of all governmental agencies with jurisdiction over a geographical location overlying one or more reservoirs of interest to determine requirements,  
(b) review pre-construction environmental impact study requirements of the set of governmental agencies,  
(c) assessing the need for interrupted restricted access to wells and facilities based on general safe practices in the industry and any special hostile environment that might be encountered during any planned reservoir optimization activities, and  
(d) assessing impact of government or regulatory approval and audit provisions on scheduling reservoir optimization activities.

Support for this amendment can be found in the specification as filed at page 83 line 5 through page 86, line 40 and in Figures 15A and 15B as filed. It is respectfully submitted that

claim 42 as amended particularly points out and distinctly claims the subject matter of the invention.

### **CONCLUSION**

Applicants respectfully request reconsideration of this application and allowance of its pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Danita J. M. Maseles". The signature is fluid and cursive, with the first name "Danita" being more legible than the last name "Maseles".

Danita J. M. Maseles  
Reg. 33,419

Date: November 15, 2004

Enclosures:

1. Acknowledgment Postcard
2. Transmittal Form
3. Petition for Extension of Time and Authorization to Charge Deposit Account (in duplicate);
4. Fee Transmittal and Authorization to Charge Deposit of Account (in duplicate).